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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,026	07/22/2003	Rancan Stefano	G96-144 US	8218

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EXAMINER
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RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/625,026

Applicant(s)

STEFANO, RANCAN

Examiner

Ruth C Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

2. Claims 1, 2 and 4 are objected to because of the following informalities:
  - Claim 1, line 3, "the said" should be replaced with --the-- or --said--.
  - Claim 1, line 8, "the said" should be replaced with --the-- or --said--.
  - Claim 2, line 2, "the said" should be replaced with --the-- or --said--.
  - Claim 4, line 4, "the said" should be replaced with --the-- or --said--.Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lutrario (US 3,683,642).

Means for the adjustment of the circumference of rings permits to utilize rings of the same type without producing them different sizes (C. 1, L. 19-28). Said means is represented by a coupling head (10) that may be provided with seats for the setting of stones (11,12) and has at least an inner seat (14,15) for the insertion of the ring (20) which is open at least to a certain extent and that at least one (22) of the two free ends of the ring is fixed to the initial part of said seat (C. 2, L. 14-16) while the other ring end (23) remains free and is displaceable along the seat itself to permit an adjustment of the ring according to the wished size (C. 2, L. 16-17).

Said means is represented by a coupling head that may be provided with seats for the setting of stones according to the most suitable user and conformations (Figs. 1-5). The coupling head is provided with at least an inner seat for the insertion of the real ring body open at least to a certain extent (Figs. 1-5).

The ring is open at least to a certain extent and shows two free ends (Figs. 1-5).

At least one of the two free ends of the ring is fixed to the initial part of said seat (C. 2, L. 14-16) while the other ring end remains free and is displaceable along the seat itself to permit an adjustment of the ring according to the wished size (C. 2, L. 16-17).

In order to bring the ring to the wished size it is sufficient to utilize pin calipers or whatever suitable tool which is to be inserted in the ring so that the calipers or tool forces the ring to open and reach the wished size (C. 2, L. 17-22).

The ring material and the method of realizing the ring give the ring a certain flexibility, a return being not possible unless an effort of the same intensity is done so that the ring is allowed the necessary stability when it is worn (C. 2, L. 17-22).

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by British Patent Document GB 2 315 981(GB '981).

Means for the adjustment of the circumference of rings permits to utilize rings of the same type without producing them different sizes (Page 1, L. 4-12). The means is represented by a coupling head (10) that may be provided with seats (15) for the setting of stones (Page 4, L. 1-3) and has at least an inner seat (12) for the insertion of the ring (11) that is open at least to a certain extent (Figs. 1 and 2). At least one (18) of the two free ends of the ring is fixed to the initial part of said seat (Page 4, L. 9-12) while the other ring end (20) remains free and is displaceable along the seat itself to permit an adjustment of the ring according to the wished size (Page 4, L. 16-20).

Said means is represented by a coupling head that may be provided with seats for the setting of stones according to the most suitable user and conformations (Page 4, L. 1-3). The coupling head being provided with at least an inner seat for the insertion of the real ring body open at least to a certain extent (Figs. 1 and 2).

The ring is open at least to a certain extent and shows two free ends (Figs. 1 and 2).

At least one of the two free ends of the ring is fixed to the initial part of said seat while the other ring end remains free and is displaceable along the seat itself to permit an adjustment of the ring according to the wished size (Page 4, L. 9-20).

In order to bring the ring to the wished size it is sufficient to utilize pin calipers or whatever suitable tool which is to be inserted in the ring so that the calipers or tool forces the ring to open and reach the wished size (Page 4, L. 18-23).

The ring material and the method of realizing the ring give the ring a certain flexibility, a return being not possible unless an effort of the same intensity is done so that the ring is allowed the necessary stability when it is worn (Page 4, L. 18-23).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bonniol (US 251,170), La Grange (US 257,023), Prah1 (US 297,446), Place & Peterson (US 307,869), Gwinn (US 323,322), Oppenheimer (US 499,928), Salt & Bennet (US 1,169,735), Ballard (US 1,434,981), Cibor (US 1,641,575), Augenstein (US 2,224,073), Silverman (US 3,228,208), Coleman (US 5,131,243), British Patent Document GB 9713, Swiss Patent Document 91640 and French Patent Document FR 2 598 602 are cited to show state of the art with respect to means for adjusting the size of a ring having similar features to the ones being claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

RCR

rcr

November 1, 2004

  
**ROBERT J. SANDY**  
PRIMARY EXAMINER